

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Matter of U.S. Application Serial No. 76/504,365
For: NATURAL SOURCE and Design
Filed: April 8, 2003
Date of Publication: December 2, 2003

THRESHOLD ENTERPRISES LTD)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
NATURAL SOURCE)	
INTERNATIONAL, LTD.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 76/504,365 ("Serial No. 76/504,365") for the mark "NATURAL SOURCE and Design" by Natural Source International, Ltd. ("applicant"), in International Class 5, which has been published for opposition in the Official Gazette of December 2, 2003. Opposer Threshold Enterprises Ltd. ("Threshold") a California corporation, with its principal place of business at 23 Janis Way, Scotts Valley, California 95066, believes it will be damaged by the registration of the mark in Serial No. 76/504,365 and hereby

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opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Threshold alleges as follows.

1. Applicant, seeks to register "NATURAL SOURCE and Design" for "dietary supplement"; as evidenced by the publication of the mark in the Official Gazette of December 2, 2003. This application, filed April 8, 2003, is alleges a first use date of the mark on December 2, 2002.

2. Upon information and belief, applicant's mark "NATURAL SOURCE and Design" is being used in connection with a dietary supplement.

3. Since at least 20 years prior to applicant's alleged first use of "NATURAL SOURCE and Design," Threshold adopted and has continuously used its mark "SOURCE NATURALS" and its trade name "SOURCE NATURALS, INC." for "vitamins, herbs and nutritional supplements."

4. Threshold is the owner of U.S. Trademark Registration No. 1,909,705 for "SOURCE NATURALS" for "vitamins, herbs and nutritional supplements," which registration is incontestable.

5. Threshold has invested substantial amounts of time, effort and money in registering and policing its "SOURCE NATURALS" trademark and "SOURCE NATURALS, INC." trade name throughout the United States. As such, in addition to the

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protection afforded Threshold by its federal trademark registrations, Threshold has extensive, non-registered statutory and common law rights in its "SOURCE NATURALS" mark and "SOURCE NATURALS, INC." trade name.

6. Applicant has no license, consent or permission from Threshold to use or register "NATURAL SOURCE and Design."

7. Since the date of first use stated in its registration, Threshold has been and is now using its registered mark in connection with the sale of its goods covered by that registration. Such use has been valid and continuous since the date of first use listed in the registration and has not been abandoned.

8. The purchasing public has come to associate Threshold with the "SOURCE NATURALS" trademark and "SOURCE NATURALS, INC." trade name.

9. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, applicant's mark "NATURAL SOURCE and Design" so resembles Threshold's "SOURCE NATURALS" mark and "SOURCE NATURALS, INC." trade name that, when used on or in connection with applicant's goods, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly,

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applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that applicant's goods originate with or otherwise are authorized, licensed or sponsored by Threshold.

10. By reason of all the foregoing, Threshold will be gravely damaged by the registration of applicant's "NATURAL SOURCE and Design" mark because registration of that mark would be in violation of Threshold's trademark and trade name rights.

WHEREFORE, Threshold prays that this Notice of Opposition be sustained in favor of Threshold and that Serial No. 76/504,365 be denied registration.

Threshold submits herewith a duplicate copy of this Notice of Opposition, along with a check to cover its filing fee of \$300.00 as required by 37 C.F.R. §2.6(a)(17).

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CORRESPONDENCE ADDRESS


Please serve all correspondence related to this opposition
proceeding as follows:

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Respectfully submitted,

Dated: January 7, 2004



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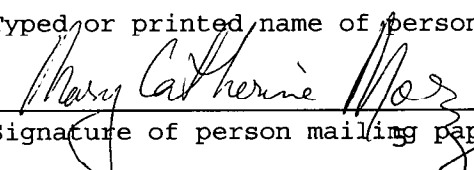
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, Box TTAB - FEE, 2900 Crystal Drive, Arlington, VIRGINIA 22202-3513

Mary Catherine Merz

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

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TRADEMARKS

Attorney Docket No. 21436

Date: January 7, 2004

COMMISSIONER FOR TRADEMARKS

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Transmitted herewith is the:

- ☒ Trademark
- ☐ Service Mark
- ☐ Application
- ☒ Notice of Opposition
- ☐ Office Action Response
- ☐ Petition to Cancel
- ☐ Sections 8 and 15 Declaration
- ☐ Motion to Withdraw Opposition

In the Matter of U.S. Application Serial No. 76/504,365

For: NATURAL SOURCE and Design

Also enclosed is:

- ☒ Notice of Opposition in duplicate
- ☒ Check No. 6644 for 300.00

In the unlikely event that insufficient funds are submitted herewith to cover the filing fee in this correspondence, please charge such funds against Deposit Account No. 50-0277.

Respectfully submitted,

By: Mary Catherine Merz

Enclosures

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